

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

RITA KENT,

Plaintiff,

v.

**JO ANNE B. BARNHART,
Commissioner,
Social Security Administration,**

Defendant.

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Case No. 05-CV-565-FHM

ORDER

Defendant's Motion to Reverse and Remand (Doc. 25) was filed June 14, 2006. In that motion, Defendant advised that opposing counsel objected to her motion. However, as of today, no objection has been filed by Plaintiff, nor has she requested an extension of time in which to do so. For the reasons set forth in Defendant's motion, it is hereby ORDERED that the Commissioner's decision be REVERSED and this case REMANDED to the Commissioner for further administrative proceedings pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

Upon remand, if the ALJ finds Plaintiff is entitled to a closed period of disability, he should follow the medical improvement standard outlined in 20 C.F.R. § 416.994, including basing his finding of medical improvement on changes in symptoms, signs, and/or laboratory findings. In addition, the ALJ should obtain updated medical evidence to ascertain the condition of Plaintiff's foot impairment and whether treatment has resulted in a decrease in medical severity. The ALJ should also re-evaluate the medical opinions of record, including Dr. Stubbs' opinion in particular, and articulate the weight he gives to the medical opinions of record. Finally, the ALJ should fully

evaluate the credibility of Plaintiff's subjective complaints and make credibility findings that are linked to specific evidence of record.

SO ORDERED this 18th day of July, 2006.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE